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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

OCT 27 2005

JAMES R. LARSEN, CLERK  
DEPUTY  
RICHLAND, WASHINGTON

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
AT RICHLAND

James S. Gordon, Jr., Plaintiff,

vs.

Impulse Marketing Group, Inc.,

Defendant

Impulse Marketing Group, Inc.,

Third-Party Plaintiff,

v.

James S. Gordon III,

Third-Party Defendant

TO: Clerk of the Court

AND TO: Floyd E. Ivey, Attorney for Third-Party Plaintiff

} Case No.: CV-04-5125-FVS  
} JOINT STATUS CERTIFICATE  
} AND RULE 26(f) DISCOVERY  
} PLAN

1 Pursuant to the request of the court, the parties to this action have  
2 prepared unilateral status certifications. Mr. Ivey has already prepared  
3 his version of a joint status certificate without consulting me. Therefore,  
4 the undersigned's input to this process is as follows:

5 **(a) Service of process on parties:**

6 To the best of my knowledge all third-party defendants have been  
7 served. Additionally, each third-party defendant has made her or his  
8 own written request of Mr. Ivey to postpone the submission of an  
9 answer to the complaint of third-party plaintiff until 20 days after the  
10 Court has ruled on the motion of plaintiff to dismiss third party  
11 defendants from this lawsuit. Mr. Ivey has not responded to any of the  
12 third party defendant's request to stipulate to postponing her or his  
13 answer. In fact, Mr. Ivey has advised Mr. McKinley that Impulse will be  
14 filing motions for default judgment against third party defendants  
15 without extending the courtesy of responding to each third party  
16 defendant's good faith effort to provide third party plaintiff with an  
17 answer. However, with the possibility of a dismissal of third party  
18 defendants from the lawsuit, it is prudent to await the Court's decision  
19 as it may preclude the need for an answer.

20 **(b) Jurisdiction and Venue:**

21 The parties to this action acknowledge that personal jurisdiction  
22 is proper in this district, and that venue is not contested.  
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1           **(c) Anticipated motions:**

2           Each of the parties anticipates motions for summary judgment  
3           motions on various issues in this case and Plaintiff's Motion to Dismiss  
4           and in the Alternative for Summary Judgment is pending for hearing  
5           November 2, 2005. Third-party defendant may file a motion to dismiss.

6           **(d) Rule 26(f) Conference:**

7           Third party defendant will research the FRCP to determine his  
8           obligations under this and other relevant rules. Parties have not met  
9           nor teleconferenced regarding the specifics of this status certificate.

- 10          1.        Third party defendant is not certain if changes should be  
11           made in the timing, form, or requirement for disclosures  
12           under subdivision (a) or local rule.
- 13          2.        Discovery may be needed on all subjects contemplated under  
14           the claims and defenses pled in this action. Discovery may  
15           be needed on all of third party defendant's claims and  
16           defenses as well. Discovery should not be conducted in  
17           phases. However, it should be limited to or focused on  
18           specific issues.
- 19          3.        The undersigned is unaware of changes which may be  
20           needed to limitations on discovery imposed under the  
21           Federal Rules of Civil Procedure or by local rules.
- 22          4.        No other orders should be entered by the court under FRCP  
23           16(c) or under Rule 16(b) at this time. Parties may seek  
24           orders in the future based upon future discovery requests.
- 25          5.        Third party defendant will not stipulate to Impulse's request  
                 for a protective order.

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2       **(e) Recommended Dates:**

3       1. **Discovery Cutoff:** The third party defendant request a  
4 discovery cutoff date of February 28, 2006.

5       2. **Pretrial Conference:** The date of pretrial conference  
6 should be set as the Court determines based upon the trial date.

7       3. **Length of Trial:** The trial could take 15-20 days or more  
8 as third party defendant reserves rights to affirmative defenses and  
9 counterclaims of his own.

10      4. **Trial Date:** The parties request a trial date of  
11 approximately 12 weeks following the discovery cutoff, which would be  
12 approximately May 28, 2006.

13      5. **Other deadlines:** Third party defendant is not aware of  
14 any other deadlines besides the ones in this document.

15       **(f) Appropriateness of special proceedings:**

16       Third party defendant is not aware of special procedures, which  
17 would be appropriate for this action.

18       **(g) Modification of standard pretrial procedure:**

19       All pleadings and motions must be served upon third party  
20 defendant via U.S. mail.

22       **(h) Feasibility of Bifurcation/Structure of Sequence of Trial:**

23       Third party defendant prefers to (may move to) bifurcate these  
24 third party proceedings from the plaintiff's cause of action.

1  
2 **(i) Magistrate Judge:**

3 The parties to this case do not consent to trial of this action by a  
4 full-time United States Magistrate Judge.

5  
6 **(j) Prospects for Settlement:**

7 The parties have not engaged in any settlement negotiations.

8  
9 **(k) Other Matters Conducive to the Efficient Adjudication of the**  
**Action:**

10 Other than the issues stated above, the parties do not at this time  
11 suggest any other matters conducive to the just, efficient, or economical  
12 adjudication of the action or proceeding.

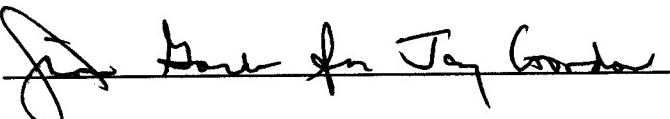
13  
14 James S. Gordon III

15 200 Waldron, #4

16 Richland, WA 99354

17 509-943-8858

18  
19 Dated this 27<sup>th</sup> day of October, 2005

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